

MINUTES OF THE CITY OF BURLINGTON
CITY COUNCIL WORK SESSION
June 14, 2010

The City Council of the City of Burlington held a regularly scheduled work session at the John Robert Kernodle Senior Activity Center, 1535 South Mebane Street, Burlington, N.C., on June 14, 2010, at 7 p.m.

Councilmembers present: Mayor Ronnie K. Wall, Mayor Pro Tem David Huffman, Councilmembers James Butler, Stephen M. Ross and Celo Faucette

Councilmembers absent: None

Harold Owen, City Manager, present

Robert M. Ward, City Attorney, present

Jondeen D. Terry, City Clerk, present

Other Staff Present: David Beal, Bob Harkrader, Frank Hope, Nolan Kirkman, Mike Nunn, Peggy Reece, Lanny Rhew, Bob Patterson, Mike Williams and John Nixon.

Others Present: Richard Parker and several other citizens.

Media Present: Michael Abernethy, Times-News; Tom Murawski, Alamance News

Mayor Wall expressed appreciation for the work of staff and Council at the special City Council meeting this morning. He said that everyone conducted themselves well.

A) Community Appearance Improvements

Planning and Economic Development Director Bob Harkrader stated that Mayor Wall had asked staff to go to specific locations and take pictures of properties that need improvements. Mr. Harkrader distributed those pictures and said staff was available to answer questions.

Mayor Wall said his comments were about the appearance of several locations including tires, overgrown grass, etc. Mayor Wall said the business at the intersection of North Church and Graham-Hopedale had cleaned up some of the tires. He said the Graham-Hopedale business still needed to be improved.

Mr. Owen said complaints continued to come in through Connecting Burlington Communities (CBC) regarding high grass, junk cars, etc.

Councilmember Faucette said Councilmembers ran for office promising to improve East Burlington and that now is the time to show residents and property owners that Council wants to be instrumental in the clean-up. Ordinances must be enforced to get property owners on Graham-Hopedale and North Church Street to clean up and make their properties presentable.

Mayor Wall said the Terrace Apartments would be demolished in June and that he was trying to get help from surrounding property owners. Mayor Wall said that he continued to work on getting the maintenance building on North Mebane Street behind the National Guard Armory cleaned up.

Councilmember Butler said that the City has to get properties in a manageable position to start working with it. He suggested splitting the properties up by residential and commercial.

Council discussed having a special trash pick-up day.

Mr. Owen said it was a possibility, but it would be a question of where to focus City resources and staff efforts.

Mayor Wall said if the City offers its resources, it lets people know the City is serious.

Public Works Director Nolan Kirkman pointed out that the City picks up trash every week and that the first bite is free for residential.

Councilmember Ross said there were limitations when trying to enforce ordinances.

Mr. Harkrader said the City does not have ordinances that prevent cars in the front yard or upholstered furniture on the front porch.

Councilmember Faucette suggested getting input from residents at the neighborhood meetings.

Mayor Wall said he would take pictures of areas that need to be improved and have them at the next work session. He said the clean-up could be discussed in the neighborhood meetings.

B) Demolitions

Assistant Director of Planning Services David Beal reviewed proposed demolitions on Catlin Street, Richmond Avenue and Park Road

Extension. He asked Council to consider adopting the demolition ordinances at the June 15, 2010, City Council meeting.

C) PART - Update on 5307 Funding

Mike Nunn, Metropolitan Planning Organization, said that in April 2009, the City received Section 5307 funds (stimulus) and allocated it to Piedmont Area Regional Transportation (PART). Stimulus funds of \$1.49 million were received and to date PART has spent \$750,000 for two buses, leaving a balance of approximately \$740,000. PART has worked with NCDOT and has signed a lease agreement to use a building in Graham (NC 87 and Crescent Square Drive) as a Park and Ride lot. The balance of \$740,000 will be used to design, build and open that lot. Mr. Nunn said that the next step would be to go out to the east and west to find two more lots.

Mr. Nunn said that Section 5307 annual grant money of \$1.3 million is still available and two CMAQ grants of \$224,000 and \$287,000 could be used for development of two Park and Ride lots in Alamance County.

City Manager Owen said that if Alamance County did not join PART, the City of Burlington would have to match the 5307 funds.

Councilmember Butler said that something needs to be put in place or the funds would be lost.

D) Appointments to Boards and Commissions

Public Information Officer John Nixon said there was a mediocre response this year. He said that he had advertised the vacancies three times in the newspaper and on the website. Mr. Nixon asked for extraterritorial jurisdiction (ETJ) recommendations to pass on to Alamance County. Appointments were discussed and City Clerk Terry was instructed to place the appointments on the June 15, 2010, City Council agenda.

E) Utility Encroachments into the Public Right-of-Way

City Engineer Lanny Rhew stated that the City receives various requests to install utilities in public right-of-way. He gave the following explanation:

Franchised Utilities:

City has franchise agreements with:

Piedmont Natural Gas
AT & T
Duke Energy
Time Warner

Per the American Public Works Association, franchise agreements are applicable for those right-of-way occupants that provide services to the local community. These agreements outline the rules, rights and fees associated with using the right-of-way.

Per City Ordinance any excavation in the right-of-way is required to have a permit from the City.

Currently these franchised utilities:

- Requests a permit to excavate and install.
- Engineering reviews and approves methods and location of installation.
- Instructs on restoration procedure.

Encroachments required (various actions that could be taken):

Mr. Rhew made the following statements/questions:

Any utility that requests access to the City's right-of-way that is not franchised would be required to gain an encroachment.

Should this be limited to utilities registered only with Utilities Commission?

Proposed addition to the Code of Ordinances identifies the City Council with the authority to grant encroachments.

An Encroachment Agreement would be required between the City and the requesting party. The Council's approval is contingent on an executed agreement.

Encroachment Agreement requestor agrees to:

Indemnify the City
Maintain the encroachment
Remove or adjust as necessary

Mr. Rhew asked for direction from Council for future plans.

- Does the City require that all Public Utilities gain a franchise agreement with the City?

- Adopt a right-of-way management ordinance or pavement cut Policy?

Charge fees for (may be contentious):

- ? Pavement cut application/inspection.
- ? Fee based on amount of impact.
- ? Annual fees for use of right-of-way.
- ? Franchise fees.

Federal law may dictate who must have access to right-of-way, but on what condition this occupancy occurs is under local control. Primary purpose is not to regulate the utility but to control and maintain the City's rights-of-way.

Mr. Rhew explained that he had received the following two requests:

1. For the installation of underground fiber optic communication lines on Hawkins Street from Ireland Street to North Spring Street. He said that TW Telelcom of North Carolina, I.P. is a registered telecommunications provider with the North Carolina Utilities Commission.
2. For the installation of underground fiber optic communication lines on Anne Elizabeth Drive from Huffman Mill Road to International Drive.

Council discussed the requests and decided to remove the items from the Council agenda. The consensus of Council was that it was important to protect the City's right-of-way. Council's concerns were over bonding and insurance.

No policy decisions were made and no fee schedule was established. Staff will look into a policy and make recommendations.

F) Neighborhood Meetings

Mayor Wall said neighborhood meetings would be held in August and September. Possible locations are Mackintosh on the Lake, St. Matthews AME Church, Andrews Elementary, Elmira Recreation Center and Turrentine Middle School. Dates would be selected in the new few days.

G) Naming City Facilities

Council discussed naming the renovated stage at the City Park the Jimmy F. Combs Memorial Pavilion and the facilities at Willowbrook Park the Joseph P. Barbour, Jr. Pavilion at Willowbrook Park. Consensus was to place this honorarium and dedication on the June 15, 2010, City Council agenda.

H) Committee Reports

Mayor Wall:

- (1) PART meeting, focus was the budget.
- (2) PTCOG meeting, budget and merger discussion.
Mayor Wall announced that the North Carolina League of Municipalities would have Town Hall Day on June 16 and that members of Council would be attending and having lunch with the legislators.

I) Request to Apply for Grant - Police Department - COPS

Police Chief Mike Williams stated that the Police Department had applied for a grant last year but was not awarded the funds. Chief Williams said he had been notified that the department was eligible to reapply this year. He said that the parameters have changed and that the positions are specifically for community policing efforts. He stated that he intended to apply for six positions. The grant would fund those positions for three years with a requirement that the City fund the fourth year. There is no City match. Chief Williams said there would be an upfront cost for equipment. Chief explained that he would create three two-officer neighborhood teams to be assigned to the three worst crime areas of the City.

Council instructed Clerk Terry to add the submission of the COPS Hiring Program grant application to the June 15, 2010, Council agenda.

J) Questions Concerning City Council Agenda

There were no questions concerning the agenda.

Adjourn

Jondeen D. Terry
City Clerk